

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|---|---|---------------------|
| In the Matter |) | |
| |) | |
| TOUCH TEL CORPORATION |) | File No. 0004687226 |
| |) | |
| Applications for Renewal of License for |) | |
| Broadband Radio Service Station WNTA626 |) | |
| |) | |

MEMORANDUM OPINION AND ORDER

Adopted: July 12, 2011

Released: July 12, 2011

By the Deputy Chief, Broadband Division, Wireless Telecommunications Bureau:

1. *Introduction.* Touch Tel Corporation (“Touch Tel”) filed the above-captioned application to renew its license for Part 27 Broadband Radio Service Station WNTA626 (“Station”).¹ Warren C. Havens, Environmental, LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless, LLC, Verde Systems, LLC, Telesaurus Holdings GB, LLC, and V2G, LLC (Petitioners) filed a petition to deny the Renewal Application.² For the reasons stated below, we deny the Petition.

2. *Background.* On April 12, 2011, Touch Tel timely filed an application to renew Station WNTA626.³ On April 20, 2011, the Renewal Application appeared on Public Notice as accepted for filing.⁴ On May 20, 2011, Petitioners asked the Wireless Telecommunications Bureau (“Bureau”) to deny the renewal application for Station WNTA626.⁵ Petitioners allege that Robert Cooper is the real-party-in-interest of both Touch Tel and Paging Systems, Inc. (“PSI”), that PSI lacks the character and fitness to be a Commission licensee, and thus Touch Tel, through its association with Robert Cooper, lacks the character and fitness to be a Commission licensee.⁶ On June 2, 2011, Touch Tel responded that the Petition to Deny must be dismissed because the petitioners lack standing.⁷ The Petition to Deny should also be dismissed, Touch Tel argues, because the Petitioners do not operate and provide Broadband Radio Services, they are not a “party in interest” under Section 1.939(a) of the Commission’s Rules,⁸ and are not

¹ File No. 0004687226 (filed Apr. 12, 2011) (Renewal Application).

² Petition to Deny to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request (filed May 20, 2011) (Petition). Touch Tel filed an opposition. Opposition to Petition to Deny, or in the Alternative, Section 1.41 Request (filed Jun. 2, 2011) (Opposition to Petition). Petitioners filed a reply. Reply to Opposition to Petition (filed Jun. 14, 2011).

³ Renewal Application.

⁴ Wireless Telecommunications Bureau Site-by-Site Accepted For Filing, *Public Notice*, Report Number 6774 (WTB rel. Apr. 20, 2011) at 3.

⁵ Petition at 1.

⁶ *Id.* at 1 and 3.

⁷ Opposition to Petition at 2.

⁸ 47 C.F.R. § 1.939(a).

aggrieved by the renewal of the licenses for Station WNTA626.⁹ They further argue that the Petition to Deny should be dismissed as a strike pleading.¹⁰

3. *Discussion.* Most of Petitioners' arguments do not involve the instant application; instead, Petitioners allege that PSI's conduct with respect to licenses held by PSI is attributed to Touch Tel and thus demonstrates that Touch Tel lacks character and fitness to be a Commission licensee, and they incorporate by reference arguments they raised in other proceedings involving PSI licenses. The Commission has since held, however, that "Petitioners' allegations regarding PSI's character qualifications, which relate to other PSI licenses and are the subject of other pending proceedings, are more appropriately addressed elsewhere."¹¹ Because the instant case involves a license held by Touch Tel, we will not address arguments against PSI in this proceeding.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r), 309(d), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), 405, and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the Petition to Deny, or in the Alternative Section 1.41 Request filed by Warren C. Havens, Environmental, LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless, LLC, Verde Systems, LLC, Telesaurus Holdings GB, LLC, and V2G, LLC on May 20, 2011 IS DENIED.

5. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and Section 1.949 of the Commission's Rules, 47 C.F.R. § 1.949, that the licensing staff of the Broadband Division SHALL PROCESS the application for renewal of license of Station WNTA626 filed by Touch Tel Corporation on April 12, 2011 pursuant to this *Memorandum Opinion and Order* and the Commission's rules and policies.

6. These actions are taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

John J. Schauble
Deputy Chief, Broadband Division
Wireless Telecommunications Bureau

⁹ Opposition to Petition at 2-5.

¹⁰ *Id.* at 8-10.

¹¹ Paging Systems, Inc., *Memorandum Opinion and Order*, 25 FCC Rcd 450, 454 ¶ 8 (2010), *recon pending*; see also Paging Systems, Inc., *Order on Reconsideration and Order*, 25 FCC Rcd 14620, 14621 n.14 (WTB MD 2010), *recon. and review pending*; Paging Systems, Inc., *Order on Reconsideration and Order*, 25 FCC Rcd 5762, 5763 ¶ 4 (WTB MD 2010), *recon pending*; Paging Systems, Inc., *Memorandum Opinion and Order*, 22 FCC Rcd 1294, 1299-1300 ¶ 9 (WTB BD 2007), *recon. dismissed*, *Order on Reconsideration*, 23 FCC Rcd 7458 (WTB BD 2008), *review dismissed*, *Letter*, 24 FCC Rcd 13776 (WTB BD 2009), *recon. pending*.